Mr Narender Hooda, Advocate.

This petition under Section 482 CrPC has been filed seeking quashing of the complaint No.292/2 dated 14.10.2006 (Annexure P4) titled Baldev Raj v. Renu Sharma and the summoning order dated 22.12.2006 (Annexure P5) passed by the learned SDJM Pathankot whereby the petitioner has been summoned to face trial for the offence under Section 138 of the Negotiable Instruments Act, 1881 (Act – for short).

Learned counsel for the petitioner has submitted that the Court at Pathankot has no territorial jurisdiction to try the offence as the petitioner is a resident of Jammu and the cheque is also drawn on the Jammu Central Cooperative Bank (Evening Branch), Super Bazar, Jammu. Besides, it is the said Bank which dishonoured the cheque. Strong reliance has been placed by the learned counsel on ***Ahuja Nandkishore Dongre v. State of Maharashtra*** 2007(2) RCR (Criminal) 775 (Bombay).

After hearing learned counsel for the petitioner and perusing the record, it may be noticed that in the complaint (Annexure P4) filed by the complainant – Baldev Raj (respondent), it has been stated in para 10 as follows:-

> "That the cheque was deposited for collection by the complainant in his bank account at Pathankot and was returned unpaid to the complainant and the cheques were issued by the accused at Pathankot as such the Hon'ble Court has got the territorial jurisdiction to entertain and try this complaint".

A perusal of the above shows that the cheque was issued by the accused (petitioner) at Pathankot. Therefore, the question whether the

Court only at Jammu would have the jurisdiction as the cheque was dishonoured at Jammu is not liable to be gone into at this stage as the averment of the complainant is that the cheque had been issued at Pathankot. It is for the parties to prove their case by leading their evidence and this Court in exercise of its inherent jurisdiction under Section 482 CrPC is not to embark upon an inquiry to find out and ascertain as to where the cheque had been issued. This is a matter of evidence to be considered by the trial Court on the basis of evidence and material as produced before it.

Therefore, no ground for interference with the impugned complaint (Annexure P4) and the summoning order (Annexure P5) is made out at this stage and it is left for the petitioner to raise these contentions at the appropriate stage before the trial Court itself.

Consequently, the criminal misc petition is dismissed.

However, nothing stated herein above shall be construed as an expression of opinion on the merits of the case as regards the territorial jurisdiction of the Court at Pathankot to entertain and try the complaint.

30.7.2007. (S.S.SARON)
ASR JUDGE